

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
December 15, 2003

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, December 15, 2003, at 7:43 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Dennis L. Fish, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Charles Davis was excused from this Regular Meeting of Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Rozier called the meeting to order; Councilmember Spooner led in the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES:

Chairman Rozier asked Council's approval of the minutes for Special Meeting of County Council, November 10, 2003; Public Hearings, Bills Numbered 03-58, 03-59, 03-60, 03-61 and 03-71; and Regular Council Meeting, November 17, 2003.

It was moved by Councilmember Fish and seconded by Councilmember Crosby to approve the minutes as presented. The motion passed by unanimous voice vote of Council.

During periods of discussion and/or presentation minutes are typically condensed and paraphrased.

PUBLIC DISCUSSION

Mr. Lee Barnes of 487 Windway, Decatur, Georgia addressed Council and explained their local office was located at 6650 Rivers Avenue, North Charleston. Mr. Barnes presented his companies' concerns in regard to the development of certain lots in the Tanner Plantation and a proposed increase in sewer fees. Additionally they were concerned that all documentation and plans had to be filed by December 15, and capacity reservations would be limited to 250 per subdivision. He further explained that there were four (4) companies or LLCs. They were waiting a decision from the Authority's Attorney in regard to this matter.

Chairman Rozier explained to Mr. Barnes that he was discussing two different areas; the first area was the question of the 250 lots maximum. The clarifying Resolution on Council's agenda would correct any misunderstanding in regard to the number of lots. The other question pertained to the developers, and Mr. Barnes indicated there were four development companies within the separate sections of the Tanner Subdivision. Mr. Rozier explained he had also discussed that question with Water and Sanitation; if there were four developers would they be allowed 250 lots per development? David Jennings, BCW&SA's Attorney would be doing the research and if the answer was not acceptable, Mr. Barnes could come back to Council with that issue.

Ms. Dianne Dixon of 1612 Windsor Lane, Pimlico, provided Council with literature and stated it would be referenced in her letter she read into the record as follows:

"Since February of this year, issues of the utilization of Pimlico STD funds by the Pimlico Civic Club as well as the legal issues involving the STD money has been brought before you. I would like to cover these issues before you vote tonight as to whether to give the Pimlico Civic Club \$24,000 yearly, of our neighborhood's \$24,450 STD money through a lease for the Pimlico Community building.

"I would like to address that the Civic Club is asking to receive \$24,000 out of the \$24,450 STD money that is collected yearly by Berkeley County through a lease for the small community building which resides in Pimlico. Using the guideline of fair market value, you must agree that it is way out of line for the Civic Club to request such a large amount to lease this small building, which does not even have a kitchen area. As I am sure the County uses reasonable guidelines when leasing a building, I am asking that you use the same reasonable standard when considering to grant a lease for this small building for \$2,000 dollars a month. Also, you should consider this building is not utilized for functions on a daily basis, only a few small groups meet at this building a few days a month.

"Reviewing the lease request for STD funds, if the Civic Club receives \$24,000 out of the \$24,450 dollars in STD funds, that only leaves a balance of \$450 yearly in the STD fund for non-civic club voting members to access. All residents of Pimlico pay into the STD fund, therefore all residents should have access to it. Since February of this year, issues pertaining to how the Civic Club has been utilizing our neighborhoods STD funds have been brought to your attention. A petition has already been presented to you with over 200 signatures. That petition represents taxpayers in Pimlico who do not want their STD funds being given to the Civic Club. You must remember that no petition has been presented to Council from the Civic Club representing support for them. As stated in our petition, residents requested no STD funds be given to the Civic Club. The Civic Club does not represent our neighborhood as a whole. The Civic Club is a private organization that utilizes money for purposes for which their Club votes. Non-Civic Club members do not have any say in the utilization of funds held in private Civic Club

accounts. As questions of the use of STD funds have come into light, several legal issues have arisen. The Attorney General has an opinion that ... the Due Process Clause of the Constitution (federal and state) requires that public funds must be expended for public purposes. Moreover, Article X, Section 5 of the State Constitution requires that taxes (public funds) be spent for public purposes. The County Attorney has already stated that the previous act of the Civic Club utilizing STD funds for the purpose of legal fees (lawsuits against residents) has been determined unlawful. The Attorney General Office states, 'As to your question regarding use of tax monies for payment of legal fees incurred by members of the civic club for litigation, prior opinions of this office have commented that the payment of legal fees incurred by private parties does not generally qualify as a public purpose.' It has already been stated during Civic Club meetings that their club will utilize part of the \$24,000 from the lease of the community center for legal fees in taking actions against neighbors in Pimlico. This in essence is using Pimlico taxpayers own tax money to bring law suits against them. I have copies of the Civic Club meeting minutes if you wish to review them.

"When you examine the Civic Club proposed budget and also the actual expenditures listed on the STD budget, it will give you a very clear answer as to how our past STD money has been spent by the Civic Club. These figures will show you that the Civic Club does not need \$24,000 yearly of our neighborhoods \$24,450 in STD money. Remember, the Civic Club has not provided a breakdown of how the \$24,000 will be utilized as part of the lease to which they would be bound by law

"If you examine the current Civic Club Budget, you will see many items that now appear on the STD budget for payment, therefore should not be requested by the Civic Club. Items that have been determined to be non-lawful should also be removed. The remaining Operating Expenses for the Civic Club would be: Accounting, \$100; Custodial Services, \$600; Picnics & Parties, \$1,000; Property Taxes, \$363; General Liability, \$3,960; and Existing Community Building Insurance, \$560. These amounts only add up to \$6,583.

"By reviewing the past four years of the STD budget which shows 'dollar for dollar' what money was given to the Civic Club for their clubs building and ground maintenance in this neighborhood you will quickly determine how small those amounts are. Please review the provided copies of those amounts I have presented to you tonight.

"The Civic Club president has stated they need \$24,000 dollars of our STD money to keep maintaining our neighborhood and that they will use it for the correct reason. What you need to remember is that once our neighborhoods tax money is moved over into Civic Club private accounts, County Council, the County Attorney nor tax payers in Pimlico can govern what happens with the use of this money. That problem has already been presented to Council this year when the information had come to surface that the Civic Club had received two STD checks previously and that it was wrong that the Civic Club had received those amounts but the County Attorney stated that money could not be returned to our neighborhood STD funds. Why you asked, because once

those STD funds were placed into the Civic Club private accounts, we as taxpayers could not access them. You must remember the Civic Club is a private organization and not held to the legal guidelines as an STD commission. One of the checks was dated 6/28/02 in the amount of \$13,800 and the second check was dated 6/29/01 for the amount of \$13,050. Currently the Civic Club is writing checks utilizing these funds. Their account holdings reported at their November meeting was \$22,651.36 in checking and a CD balance of \$13,942.43. As County Council would not put all county taxpayers money into the type of situation where the County could not truly govern the use of taxpayers' money, I ask tonight that you do the same for our STD money. This is tax money collected by Berkeley County from Pimlico property owners. By the STD funds staying in the STD accounts, all neighbors have access to make requests for its use as well as by law; all purposes for utilization of that money can be accounted for. By granting the Civic Club the inflated lease market value of \$24,000 for the Community Center, that puts nearly all our neighborhoods STD yearly into their private accounts. In a response from the Attorney Generals office, 318 S.E.2d at 163. In Bauer vs. S.C. State Housing Authority, 271 S.C. 219,256 S.E.2d 869 (1978), the Supreme Court warned that '(i)t is not sufficient that an undertaking bring about a remote or indirect public benefit to categorize it as a project within the sphere of public purpose.

"In conclusion, I would like to say that on Wednesday, December 3 a notice was placed on the Pimlico marquee, which stated there would be a meeting on Thursday, December 4 for STD contracts. That was a one-day notice. At Thursdays STD meeting, Mrs. Green stated they had just been given the lease from the County Attorney and it would be given to Mrs. Spooner to present that coming Monday, December 8. On the morning on December 9, I received the Civic Club Pimlico Newsletter. There was no information on it as to the lease being presented to Council. At the November 8th Council meeting, no one from our neighborhood was granted permission to speak, so here we are on 'November' (December) 15 presenting to you detailed information asking to stop this \$24,000 lease. This is typical of the manner in which items concerning our STD money I have been handled in our neighborhood. The Civic Club never prints detailed information concerning upcoming events that concern their use of our STD money. I myself printed a newsletter and it was distributed in our neighborhood last week to notify all neighbors as to what was occurring without their knowledge and that December 15 this issue was before County Council for a final vote. It is a shame that the Pimlico Newsletter for which our STD funds are being used cannot even be given important information on such as this lease to our neighbors in a timely fashion. Clearly this lease has been in the works for several weeks between the Civic Club president, STD Chairperson and the County Attorney. You must ask why this information was not presented to the neighborhood during the weeks of its creation? Why was there still no mention of this lease in the Pimlico Newsletter the day after the lease was presented to County Council on December 8? Why was no information in the Pimlico Newsletter informing neighbors with details of this lease listing specifically what items this lease money would be used for? Why didn't the Pimlico Newsletter inform neighbors that they only had the County Council meeting on December 15 to respond? Why is this lease being pushed through so fast by the STD Chairperson and the Civic Club president?"

Ms. Dixon stated they wanted to know why their neighborhood had not been properly informed. They are typically notified after the fact that any action had been taken by the Civic Club and this had been a pattern for some years.

Ms. Dixon continued, *“Once again, thank you for your time tonight. We hope future Special Tax District issues will be handled more openly in our neighborhood with timely notifications of meetings as well as factual, detailed information. Harmony can be created in this neighborhood by all residents being informed with facts on a timely basis. Harmony can also be achieved if the Civic Club is willing to work with our neighborhood and share STD money which should be accessible to all residents since they all pay into this fund for improvements and maintenance to their neighborhood.”*

Ms. Mary Ann Parker-Snipes of 1028 Live Oak Avenue, Pimlico addressed Council and explained she was a Real Estate Broker and a Residential Home Builder. She questioned the amount of the STD lease with the Civic Club and further stated she could not understand the need for it to be any more than \$700 a month.

Ms. Jean Mills, 1204 Waterside Boulevard, Pimlico addressed Council and explained one reason the Civic Club was leasing the building was a concern in regard to the boat landing becoming a public landing. She further stated that \$149.00 had been spent on the landing within the last two years and about \$7,000 a year on lawn care and could not understand why \$24,000 would be needed.

Mr. Eric Harris, Jr. of 1024 Live Oak Avenue, Pimlico stated Ms. Ellen Green, Chairman of the Pimlico Special Tax District, was unable to attend but she had asked that he read the following:

“Please let me first -say how sorry I am that I could not be here in person. Unfortunately, I had a previously scheduled speaking engagement at Bishop England High School.

“Tonight, you will be asked to vote on the lease agreement between the Pimlico Special Tax District and the Pimlico Civic Club in addition to an adjustment in the STD budget to allow for transfer of funds to cover the lease. I humbly request that you vote in favor of both of these issues.

“The end of last week a ‘private’ newsletter entitled ‘Pimlico Pride’ was sent to the neighborhood. The writer of this newsletter attempted to make it informative and friendly. Unfortunately, the information was not presented completely.

1) The Pimlico Civic Club has been the driving force in keeping Pimlico a nice, quiet neighborhood with a boat landing, parks and other limited amenities for over 20 years. When it became clear to the residents of Pimlico that additional funds would be

needed for the upkeep of our boat landing, parks and Civic Club building, the citizens of Pimlico banded together to vote and request the forming of the Special Tax District.

2) This STD was formed to fund the upkeep of ALL of the common areas in Pimlico to include our Civic Club building, lakes and boat landing. The initial meeting with Berkeley County attorney and area representatives noted that the STD was to contract with the Civic Club to carry out the work of the community. This has been done in a less formal contract basis since that time.

3) Now that several "concerned citizens" have brought their grievances to the County Council, we have again met with Berkeley County's Attorney to update the STD status. It was and is the opinion of the attorneys that anything the STD pays for directly would be considered public property. Therefore, the compromise currently being presented tonight was voted on by the STD Commission. During our STD meeting in the spring where we had standing room only to discuss the budget, it was very clear that ALL of the residents in Pimlico were willing to do pretty much anything legal to keep our neighborhood PRIVATE.

4) The suggestions of the writer of the Pimlico Pride regarding funding clearly indicates that the writer clearly missed the point of the lease. The writer suggested the reduction of the lease price in order to allow the STD to have more funds to use for special projects brought up by individuals in the community. If this were the case, anything the STD were to fund directly would have to be considered public access which clearly is not what the community wants.

5) In addition, all of the parks, lakes, common areas and boat landing are owned by the Pimlico Civic Club. The membership of the Pimlico Civic Club consists of all property owners in the Pimlico Community. There is no reason why anyone in the Pimlico area could not attend any Civic Club meeting and express their views or request help for a project whether they are a "paying" Civic Club member or not.

6) The newsletter also mentions the issue of neighbors suing neighbors. This is would be the last resort used to uphold the covenants and restrictions of the neighborhood. Our residents committee is charged with enforcing the covenants and restrictions of Pimlico. This committee is not a Civic Club committee, but a committee that represents the community and the developer. I am sure that most residents would take issue with a next door neighbor putting up a 10-ft. chain link fence with barbed wire around their entire property. This would clearly be a violation of the covenants and restrictions. However, lacking the funds to pursue action in a court of law, the only recourse the Residents Committee would have would be a sternly written letter requesting the fence come down. If the property owner chose to ignore the request nothing would happen without the funding to take the issue to court.

"Thank you for taking the time to review all of the information provided you on the lease agreement and budget adjustments for Pimlico."

Mr. Edwin Rodgers of 1912 Rockfish, Pimlico, addressed Council and stated he supported Ms. Ellen Green's letter. In addition, the Residents' Committee is financially supported by the Civic Club. That is the only source of revenue the Residents' Committee has for enforcing the covenant restrictions. He stated this issue had been beaten around for months. The Civic Club, the STD, and the County Attorney think that this is the most logical approach. They are not trying to represent \$24,000 as a fair market value of the building; it is a way of establishing the contract so funds could be obtained for continued operations of the community. Mr. Rodgers asked that County Council support the passing of the Resolution and contract between the Civic Club and the Special Tax District.

Councilmember Spooner asked Mr. Stokes if he was aware of the Attorney General's opinion Ms. Dixon referred to?

Mr. Stokes stated he was not familiar with the particular opinion Ms. Dixon referred to but there are Attorney General's opinions that had been looked at that involved issues surrounding the use of public funds for private purposes. He stated that he, along with Nicole Ewing, prepared a lease for the Civic Club building upon information that was brought to his office from members of the STD as well as the Civic Club. The issue before Council is whether or not the lease agreement would be passed, and whether or not the property would be leased at fair market value. In the lease, the Civic Club is required to pay the required insurance, maintain the premises, everything structurally, and to maintain the grounds as well; that is what is included in the lease.

Mr. Johnnie Baxley, 1817 Fishing Lane, Pimlico stated the operating budget for the 2002/2003 Civic Club was \$22,460. And Council would readily see that the requested \$24,000 was not a great increase. He stated they had an election for the STD in November and everyone from Pimlico was asked to vote; 151 persons voted. Seventy-nine (79%) percent of the people elected two representatives that were basically for the Civic Club and the STD. The two people from the Concerned Citizens Group only received twenty-one (21%) percent of the vote. Mr. Baxley stated that shows what the community as a whole wanted. The only requirement was they be a Registered Voter.

Chairman Rozier stated an Executive Session was not needed.

CHAIRMAN OF COUNTY COUNCIL PRESENTATION

Chairman Rozier addressed Council and referred to an article in the paper regarding Berkeley's Comprehensive Land Use Plan. He further stated that he and Staff had discussed subdivisions, houses, plans and potential plans of homes to be built in Berkeley County over the next 20 years and arrived at a figure of 42,000 in the unincorporated areas of Berkeley County; but doubted that 42,000 homes would be built. Mr. Rozier stated this was a concern; he would look further into the matter and attempt to determine where the County should go.

From an overhead projector, Chairman Rozier pointed out property taxes derived from School and County.

- Homes, Twenty-six (26%) percent of the taxes for a total of \$26,256,000.
- Manufacturing Housing, Three (3%) percent of the taxes, \$2,486,000.
- Commercial and Rental bring in Twenty-three (23%) percent of the taxes, \$22,792,000.
- Qualified Agriculture for the lowest assessment brings in one (1%) percent for \$719,000.
- Vehicles bring in Seventeen (17%) percent, \$17,000,000.
- Manufacturing with no Fee-in-Lieu at the full ten and a half (10 ½%) percent brings in \$7,095,000.
- Manufacturing with Fee-in-Lieu, brings in eleven (11%) percent for \$11,234,000.
- Utilities, eight (8%) percent at \$8,200,00.
- Business Personal Property, three (3%) at \$2,500,000.
- Watercraft, one (1%) percent, \$1,069,000.

Chairman Rozier stated the concern is that when it is looked at by category, individuals basically bring in property taxes. *Owner occupied residential, including site-built and Manufacturing housing bring in twenty-nine (29%) percent. Vehicles and Watercraft, eighteen (18%) and Qualified Agriculture one (1%) percent. He stated that totals **forty-eight (48%) percent** of the total tax bills that are brought in by individuals. The bottom category, Manufacturing with no Fee-in-Lieu, Manufacturing with a Fee-in-Lieu, Commercial, Rental, Utilities and Business Personal Property bring in **fifty-two 52% percent** of the taxes.*

Chairman Rozier recommended that Council consider setting aside twenty-five (25%) percent of the appraised value of property in a subdivision for commercial or light industrial, not of the land mass. Otherwise, tax bills would shoot through the ceiling if all the property were residential, residential would only bring in forty-eight (48%) percent of the tax bill.

Chairman Rozier indicated there was a problem with the entire tax set-up in the State of South Carolina. There are 31,675 site built houses in Berkeley County with an

average value of about \$84,074.00; deduct State roll back and the Local Option Sales Tax the \$84,074.00 home would pay \$364 a year in taxes, school and county combined. There are 14,312 manufactured homes with an average value of \$17,615 that pay a net tax of \$77 a year. The message he would convey to Council was Residential would not pay the tax bill alone. It was apparent that County Council struggles with what should be commercial and what should be industrial; there must be a reasonable mix.

Chairman Rozier asked that Council consider the information presented as they revisit the Comprehensive Plan in the coming year.

Next on the agenda was **Mrs. Evelyn Delaine-Hart, Re: Trident Work Force Presentation and Board Recommendations.**

In the absence of Mrs. Delaine-Hart, Mr. Brad Maddox, Deputy Director for Trident Workforce Investment Board, stated he would like to present to Council five recommendations to the Trident Workforce Investment Board. The Trident Workforce Investment Board is the governing agency or entity that administers Workforce Investment Act Funds to the Tri-county Area in the amount of approximately \$3,000,000.

Mr. Maddox presented the following nominees from the private and public sectors:

- Jerry Brezeale, Human Resources Director, Jacobs Engineering.
- Jim Muckenfuss, Human Resources Manager, Bellwright Industries.
- Olivetta Hughes, Career Transition Specialist, Applied Technology Systems/Job Corps
- Kurt Infinger, Sheet Metal Worker Local 399
- David Ginn, President and CEO, Regional Development Alliance.

Mr. Maddox explained to Council that the Trident Workforce Investment Board was the implementation of the Workforce Investment Act Funds received in the Trident County Area. He stated that he along with two other members Ms. Jean McCrary, Executive Director for Adult Education for Berkeley Schools, and Mr. Louis Dubon, HR Senior Manager for AGFA, Vice-Chairman for the Board, work on a Workforce Development One-Stop Career System. Mr. Maddox further explained that about \$3,000,000 was received per year and goes toward the development of the One Stop Career Centers. One satellite was located at the Berkeley Educational Center in Moncks Corner, the HUB Facility in North Charleston, a satellite in Dorchester and a satellite downtown Charleston in the Lockwood Boulevard Employment Security Commission. The Administrative entity pays for 9 people as far as funds are concerned for the Tri-County Area.

Chairman Rozier added that Training, Job Search, and opportunity to find jobs are the purposes of this organization. And further added that One Stop Career Center in the Tri-County area was an award winning entity and sets the tone for the rest of the State.

Mr. Maddox referenced the report provided to Council and stated the allocation for Berkeley County is a total of approximately \$600,000. To ensure proper service Tri-county wide, \$1.1 million dollars is allocated to Berkeley County for One Stop Operations at \$637,000; and Youth Services at \$313,000. At the Berkeley One Stop Center there are over 35,000 folks that have come through the Berkeley Center. That would be a turn style count; the Social Security count of individual customers is approximately 8,000. The employer services offered were noted, and are system wide. They have Incumbent Worker funds that are offered to employers to ensure they make their workforce world class in nature. They want to make sure that the employers maintain quality services for their employees and quality products for the rest of the world, which is accomplished by helping them with their training expenses.

Mr. Maddox explained to Council that Trident Work Force collaborates with the Trident Technical Educational System and Dr. Mary Thornley served on the Board.

Councilmember Pinckney asked, based on the presentation heard from the Supervisor about the expansion of homes in the rural unincorporated areas, if they have any future plans of putting a satellite in the rural areas of Berkeley County?

Mr. Maddox responded that issue was being addressed and have just held community forums to solicit input from community-based organizations, employer labor economic development, etc. to gain input. The number one aspect was to ensure such places as Pringletown, Cross, Alvin and other areas were reached. Affiliate satellite sites have been considered to work with existing partners they presently have such as the Alvin Recreational Center.

It was moved by Councilmember Spooner and seconded by Councilmember Farley to approve the five nominees to the Trident Workforce Investment Board presented by Mr. Maddox. The motion passed by unanimous voice vote of Council.

Chairman Rozier stated there were 12 Ordinances for Third Reading.

THIRD READINGS:

“BILL NO. 03-61, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #263-00-01-010.”
(Robbie and Alan Brunson)

It was moved by Councilmember Fish and seconded by Councilmember Farley to approve **Bill No. 03-61** for Third and Final Reading. The motion passed by majority voice vote of Council with Councilmember Steve Davis voting “Nay.” (A copy of Ordinance No. 03-12-69 is attached to these Minutes.)

“BILL NO. 03-62, AN ORDINANCE AMENDING THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY PERSONNEL ORDINANCE, BERKELEY COUNTY, SOUTH CAROLINA.”

It was moved by Councilmember Crosby and seconded by Councilmember Farley to approve **Bill No. 03-62** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-12-70 is attached to these Minutes.)

“BILL NO. 03-63, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #222-00-00-067.”
(Gerald Morgan)

It was moved by Councilmember Fish and seconded by Councilmember Crosby to approve **Bill No. 03-63** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-12-71 is attached to these Minutes.)

“BILL NO. 03-65, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #065-00-00-088.” (Leslie B. Dyches)

It was moved by Councilmember Crosby and seconded by Councilmember Farley to approve **Bill No. 03-65** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-12-72 is attached to these Minutes.)

“BILL NO. 03-66, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #271-00-01-035.”
(Clouter Point & Clements Ferry Properties, LLC)

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to approve **Bill No. 03-66** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-12-73 is attached to these Minutes.)

“BILL NO. 03-67, AN ORDINANCES TO REDUCE THE ASSESSMENT RATIO APPLICABLE TO GENERAL AVIATION AIRCRAFT SUBJECT TO PROPERTY TAX IN BERKLEY COUNTY TO SIX (6%) OF THE FAIR MARKET VALUE OF THE AIRCRAFT.”

It was moved by Councilmember Fish and seconded by Councilmember Crosby to approve **Bill No. 03-67** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-12-74 is attached to these Minutes.)

“BILL NO. 03-68, AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK EXECUTED APRIL 24, 1995, BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND WILLIAMSBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE ADDITIONAL PROPERTY IN BOTH BERKELEY COUNTY AND WILLIAMSBURG COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Fish and seconded by Councilmember Spooner to approve **Bill No. 03-68** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-12-75 is attached to these Minutes.)

“BILL NO. 03-70, AN ORDINANCE AUTHORIZING: (1) ACQUISITION BY BERKELEY COUNTY, SOUTH CAROLINA (THE "COUNTY") OF CERTAIN REAL AND PERSONAL PROPERTY; (2) A LEASE PURCHASE AGREEMENT BETWEEN THE COUNTY, AS LESSOR, AND VAN SMITH BLOCK COMPANY, LLC AS LESSEE, WITH RESPECT TO THE PERSONAL AND REAL PROPERTY SO ACQUIRED; (3) PAYMENT BY SUCH LESSEE OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; (4) THE RECONVEYANCE OF SUCH PROPERTY PURSUANT TO THE TERMS OF SUCH LEASE PURCHASE AGREEMENT; (5) THE PLACEMENT OF SUCH REAL PROPERTY INTO A MULTI-COUNTY INDUSTRIAL PARK AND (6) CERTAIN OTHER MATTERS RELATED THERETO.”

It was moved by Councilmember Fish and seconded by Councilmember Crosby to approve **Bill No. 03-70** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-12-76 is attached to these Minutes.)

“BILL NO. 03-72, AN ORDINANCE TO AMEND SECTION VIII OF ORDINANCE NO. 03-06-38, THE BERKELEY COUNTY BUDGET ORDINANCE FOR 2003-2004, TO ELIMINATE THE EXPRESS PROVISIONS REGARDING RATES AND PER DIEM FOR TRAVEL EXPENSE REIMBURSEMENT AND TO PROVIDE FOR THE ESTABLISHMENT OF RATES BY RESOLUTION.”

It was moved by Councilmember Fish and seconded by Councilmember Pinckney to approve **Bill No. 03-72** for Third and Final Reading. The motion passed by majority

voice vote of Council with Councilmember Steve Davis voting “Nay.” (A copy of Ordinance No. 03-12-77 is attached to these Minutes.)

“BILL NO. 03-74, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #242-04-01-046.” (CDJ, Inc.)

It was moved by Councilmember Fish and seconded by Councilmember Crosby to approve Bill No. 03-74 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-12-78 is attached to these Minutes.)

“BILL NO. 03-75, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #271-00-02-022.” (Jimmie Green)

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to approve Bill No. 03-75 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-12-79 is attached to these Minutes.)

“BILL NO. 03-76, AN ORDINANCE AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVES, INCLUDING A LEASE PURCHASE AGREEMENT, BETWEEN BERKLEY COUNTY, SOUTH CAROLINA, AND BP AMOCO CHEMICAL COMPANY, WHEREBY BERKELEY COUNTY WILL ENTER INTO AN ARRANGEMENT FOR PAYMENTS IN LIEU OF PROPERTY TAXES; AND OTHER RELATED MATTERS.”

It was moved by Councilmember Crosby and seconded by Councilmember Fish to approve Bill No. 03-76 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-12-80 is attached to these Minutes.)

Chairman Rozier stated there were two Bills for Second Reading.

SECOND READINGS:

“BILL NO. 03-77, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #175-00-02-008.” (Johnnie Capers)

It was moved by Councilmember Mims and seconded by Councilmember Farley to approve **Bill No. 03-77** for Second Reading. The motion passed by unanimous voice vote of Council.

“BILL NO. 03-78, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #164-00-03-062.”
(Emmerline Limehouse)

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to approve **Bill No. 03-78** for Second Reading. The motion passed by unanimous voice vote of Council.

Chairman Rozier stated there were four Bills for First Reading and explained that there would be no discussion or vote on Bills for First Reading. They are simply read into the record by title.

FIRST READING:

“BILL NO. 03-79, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #180-00-01-048.”
(Kenneth Dangerfield)

“BILL NO. 03-80, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #267-00-00-089.” *(Ralph Atkinson)*

“BILL NO. 03-81, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #271-00-02-053.”
(Clements Ferry Development Partners)

“BILL NO. 03-82, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #235-01-01-001.” *(Miles Martschink)*

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2003-2004 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Crosby and seconded by Councilmember Fish to approve the Transfer Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-61 is attached to these Minutes.)

“RESOLUTION APPROVING RATES AND PER DIEM FOR TRAVEL EXPENSE REIMBURSEMENT.”

It was moved by Councilmember Fish and seconded by Councilmember Farley to approve the Resolution Re: Per Diem. The motion passed by majority voice vote of Council with Councilmember Steve Davis voting “Nay.” (A copy of Resolution No. R 03-62 is attached to these Minutes.)

“RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AND MILLAGE RATE AGREEMENT BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA (THE “COUNTY”), AND PROJECT 19, LLC (THE “COMPANY”), WHEREBY, UNDER CERTAIN CONDITIONS, THE COUNTY WILL AGREE TO PROVIDE CERTAIN ECONOMIC DEVELOPMENT INCENTIVES AS SET FORTH THEREIN.”

It was moved by Councilmember Crosby and seconded by Councilmember Fish to approve the Project 19, LLC Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-63 is attached to these Minutes.)

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2003-2004 BUDGET FOR THE PIMLICO SPECIAL TAX DISTRICT FOR PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Spooner and seconded by Councilmember Fish to approve the Resolution for Transfer of funds for the Pimlico Special Tax District. The motion passed by majority voice vote of Council with Councilmembers Steve Davis and Pinckney voting “Nay.” (A copy of Resolution No. R 03-64 is attached to these Minutes.)

“RESOLUTION SUPPORTING BERKELEY CITIZENS’ APPLICATION FOR FUNDS UNDER THE FEDERAL TRANSIT ADMINISTRATION AND THE STATE MASS TRANSIT FUND PROGRAM.”

It was moved by Councilmember Crosby and seconded by Councilmember Steve Davis to approve the Resolution for Berkeley Citizens. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-65 is attached to these Minutes.)

“RESOLUTION TO AUTHORIZE THE COUNTY SUPERVISOR TO RENEW THE LEASE FOR THE PREMISES CURRENTLY KNOWN AS THE HANAHAN LIBRARY.”

Chairman Rozier stated the lease was originally \$1,700 per month but has been increased to \$2,300 per month. The lease included an escalation clause that had not been utilized in the five years but would have amounted to the \$2,300.

It was moved by Councilmember Spooner and seconded by Councilmember Fish to approve the Resolution to renew the lease for the Hanahan Library.

Councilmember Steve Davis asked if it had another escalation clause and what was the amount?

Chairman Rozier responded there was an escalation clause and the amount was three (3%) percent.

The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-66 is attached to these Minutes.)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Mr. Dennis L. Fish Chairman.

Councilmember Fish stated the Committee met earlier and many of the matters before them have been taken care of on tonight's agenda.

On recommendation of the Committee Councilmember Fish moved to approve additional Student funding to the Auditor's Office in the amount of \$4,434.19 through June 26, 2004 to come from Contingency. (No Second Required)

Chairman Rozier stated the Contingency fund is depleted and Council has directed him to take money from a Contingency that is exhausted.

Councilmember Spooner stated there is \$4,435 in the Transfer Resolution.

Chairman Rozier advised Council that in order for money to come out of Contingency more money must be appropriated in the very near future.

The motion passed by unanimous voice vote of Council.

Also, on recommendation of the Committee Councilmember Fish moved to approve the acceptance of two additional Weapons of Mass Destruction Grants; one in the amount of \$173,000; and the other in the amount of \$60,000 for the Sheriff's Department. No matching funds required. (No Second Required)

The motion passed by unanimous voice vote of Council. (That concluded Mr. Fish's report.)

COMMITTEE ON LAND USE, Mr. Milton Farley, Chairman.

Councilmember Farley stated the Committee met on December 8 and earlier this evening and all matters before the Committee have been taken care of. (That concluded Mr. Farley's report.)

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Mr. Caldwell Pinckney, Chairman.

Councilmember Pinckney stated the Committee met on December 8, 2003.

On recommendation of the Committee Councilmember Pinckney moved to award the contract for one Motor Grader to **Mitchell Distributing** in the amount of \$162,634.20. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Pinckney moved to award the contract for one Mobile Command Vehicle to **Farber Specialty Vehicle** in the amount of \$125,455.00. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Pinckney moved to approve the Sole Source Purchase of two (2) Hazcat WMD kits from **HAZTECH Systems, Inc.** funded by the 2002 Weapons of Mass Destruction Grant. (No Second Required.)

The motion passed by unanimous voice vote of Council. (That concluded Mr. Pinckney's report.)

There was no report from the **COMMITTEE ON JUSTICE AND PUBLIC SAFETY**, Mrs. Judy C. Mims, Chairman.

COMMITTEE ON WATER AND SANITATION, Mr. Steve C. Davis, Chairman.

Councilmember Steve Davis stated the Committee met on December 8, 2003 and several of the matters before the Committee had been taken care of on tonight's agenda. He stated Mr. Marc Hehn, Director, BCW&SA provided the Committee with information regarding the Congressional Projects for fiscal year 2004/2005. No action was required.

Also, Mr. Ed Rodgers, Deputy Director of Customer Services, BCW&SA provided the Committee with the proposed CDBG Projects for the next few years. No action was required. (That concluded Mr. Davis' report.)

In the absence of Councilmember Charles Davis, Chairman on the **COMMITTEE ON PLANNING AND DEVELOPMENT**, Councilmember Crosby stated there was no report.

COMMITTEE ON COMMUNITY SERVICES, Mrs. Judith K. Spooner, Chairman.

On recommendation of the Committee Councilmember Spooner moved to approve the Lease Agreement between the Pimlico Special Tax District and the Pimlico Civic Club. (No Second Required)

The motion passed by majority voice vote of Council with Councilmember Steve Davis voting "Nay." (That concluded Mrs. Spooner's report.)

There was no report on the **COMMITTEE ON HUMAN SERVICES**, Mr. William E. Crosby, Chairman.

There were no **NOMINATIONS FOR MEMBERSHIPS ON BOARDS, COMMISSIONS, ETC.**

There was no **CORRESPONDENCE**.

UNFINISHED BUSINESS:

"RESOLUTION CLARIFYING THE RESOLUTION R 03-33, A RESOLUTION AFFECTING THE PAYMENT OF CERTAIN CAPACITY RESERVATION FEES TO THE BERKELEY COUNTY WATER AND SANITATION DEPARTMENT."

Mr. Steve Hively stated in the original Resolution, reference to the 250 lots maximum was inadvertently omitted. The purpose of the 250 lots maximum was to prevent their having to expand the Wastewater Treatment Plant prematurely. The clarification is to give them direction as to how it is to be interpreted per developer.

In response to Councilmember Crosby's question in regard to the number of corporations or LLCs in Mr. Barnes' company, Chairman Rozier explained Mr. Barnes specified there were four limited liability corporations as shown on his books. There is one LLC called Tanner East, which has 332 lots within that subdivision; another called the Gardens, LLC that has 145 lots; Charleston Brown, LLC with 500 lots; and another, Charleston Oaks, LLC with 206 lots. Mr. Barnes maintains that each are separate developments within one area. Chairman Rozier stated Mr. Jennings and Mr. Hehn are currently reviewing the proposed developments and would come back to Council with an answer. If it can be determined that each of those subdivisions were indeed a different development, then each would be allowed 250.

It was moved by Councilmember Pinckney and seconded by Councilmember Spooner to approve the clarifying Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-67 is attached to these Minutes.)

Chairman Rozier stated the Committee Meetings for January would be held on January 12, 2004, and the Regular Council Meeting on January 26, 2004 at 6:00 p.m.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adjourn. The motion passed by unanimous voice vote of Council.

The Regular Council Meeting adjourned at 9:00 a.m.

S/Barbara B. Austin
Clerk of County Council

January 27, 2004
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on **Monday December 15, 2003**, is scheduled to begin immediately following Public Hearings, the meeting of the Committee on Finance and the special meeting of the Committee on Land Use, at 6:00 P.M., in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 123 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

| | |
|--|-------------------|
| Special Meeting of County Council | November 10, 2003 |
| Public Hearings: Bills Numbered: | November 17, 2003 |
| Regular Council Meeting | November 17, 2003 |

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

**MRS. EVELYN DELAINE HART, Re: TRIDENT WORK FORCE –
PRESENTATION AND BOARD RECOMMENDATIONS**

THIRD READING:

1. **Bill No. 03-61**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Robbie & Alan Brunson**, 1030 Cainhoy Road, Wando, TMS #263-00-01-010, (6.18 acres) **from R-2, Mobile Home Residential District, to GC, General Commercial District**. Council District No. 8. [Recommended by Committee on Land Use]

2. **Bill No. 03-62, An Ordinance** amending the **Berkeley County Water and Sanitation Authority Personnel Ordinance**, Berkeley County, South Carolina. [Recommended by Committee on Water and Sanitation]

3. **Bill No. 03-63, An Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Gerald Morgan** 1147 College Park Road, Summerville, TMS # 222-00-00-067, (21.59 acres), **from R-3, Mobile Home Park District, (6.97 acre portion), and R-1, Single Family Residential District, (14.62 acre portion), to GC, General Commercial District, (6.97 acre portion) and R-3, Mobile Home Park District, (14.62 acre portion).** Council District 4.
[Recommended by Committee on Land Use]

4. **Bill No. 03-64, An Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Eugene and Alesia Burns**, 152 Summer Lane, Summerville, TMS# 196-09-01-028, (6.08 acres), **from R-2, Manufactured Residential District, to R2-RF, Mobile Home Rural Farm Residential District.** Council District 6.
[Recommended by Committee on Land Use]

5. **Bill No. 03-65, An Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Leslie B. Dyches, 1563 Ranger Drive, Cross, TMS# 065-00-00-088, (3.87 acres), from GC, General Commercial District, to F-1, Agricultural District.** Council District 7.
[Recommended by Committee on Land Use]

6. **Bill No. 03-66, An Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Clouter Point & Clements Ferry Properties, LLC, Clements Ferry Road, Wando, TMS# 271-00-01-035, (50.29 acres), from LI, Light Industrial District, to GC, General Commercial District.** Council District 8.
Recommended by Committee on Land Use]

7. **Bill No. 03-67, An Ordinance** to reduce the assessment ratio applicable to general aviation aircraft subject to property tax in Berkeley County to four percent (4%) of the fair market value of the aircraft.
[Recommended by Committee on Finance]

8. **Bill No. 03-68, An Ordinance** to amend the **Agreement** for Development of a **Joint County Industrial Park** executed April 24, 1995, by and among **Berkeley County, South Carolina, and Williamsburg County, South Carolina**, providing for the development of a jointly owned and operated industrial/business park so as to include additional property in both Berkeley County and Williamsburg County as part of the joint County Industrial Park, and other matters relating thereto.
[Recommended by Committee on Finance]

9. **Bill No. 03-70**, An **Ordinance** authorizing: (1) acquisition by Berkeley County, South Carolina (the "County") of certain real and personal property; (2) a lease purchase agreement between the County, as lessor, and **Van Smith Block Company, LLC** as lessee, with respect to the personal and real property so acquired; (3) payment by such lessee of certain fees in lieu of Ad Valorem taxes; (4) the reconveyance of such property pursuant to the terms of such lease purchase agreement; (5) the placement of such real property into a multi-county industrial park and (6) certain other matters related thereto.

[Recommended by Committee on Finance]

10. **Bill No. 03-72**, An **Ordinance** to amend **Section VII** of **Ordinance No. 03-06-38**, The Berkeley County Budget Ordinance for 2003-2004, to eliminate the express provisions regarding rates and **per diem** for travel expense reimbursement and to provide for the establishment of rates by resolution.

[Recommended by Committee on Finance]

11. **Bill No. 03-74**, An **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **CDJ, Inc.**, 591 College Park Road, Ladson, TMS# 242-04- 01-046, (1 lot), from R-1, Single Family Residential District, to **GC, General Commercial District**. Council District 5.

[Recommended by Committee on Land Use]

12. **Bill No. 03-75**, An **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Jimmie Green**, et al, Harvest Time Place, Wando, TMS# 271 -00-02-022, (2.35 acres of 2.6 acres total), from **R-1MM, Multi-Section Residential District**, to **GC, General Commercial District**. Council District 8.

[Recommended by Committee on Land Use]

13. **Bill No. 03-76**, An **Ordinance** authorizing economic development incentives, including a lease purchase agreement, between Berkeley County, South Carolina, and **BP Amoco Chemical Company**, whereby Berkeley County will enter into an arrangement for payments in lieu of property taxes; and other related matters.

[Recommended by Committee on Finance]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 03-77**, An **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Johnnie Capers**, Highway 27 near I-26, Ridgeville, TMS# 175-00-02-008, (10 acre portion, 26.49 acres

total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District.** Council District 7.

[Recommended by Committee on Land Use]

2. **Bill No. 03-78**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Emmerline Limehouse**, 1237 Umbria Road, Moncks Corner, TMS# 164-00-03-062, (.02 acre portion of 2.8 acre total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District.** Council District 8.

[Recommended by Committee on Land Use]

FIRST READING:

1. **Bill No. 03-79**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Kenneth Dangerfield**, 130 Oakley Road, Moncks Corner, TMS #180-00-01-048, (1.04 acres) **from R-2, Manufactured Residential District, to GC, General Commercial District.** Council District 6.

[Recommended by Committee on Land Use]

2. **Bill No. 03-80**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Ralph Atkinson**, Jessen Lane, Cainhoy, TMS #267-00-00-089, (1 lot), **from HI, Heavy Industrial District, to GC, General Commercial District.** Council District 8.

[Recommended by Committee on Land Use]

3. **Bill No. 03-81**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Clements Ferry Development Partners**, Clements Ferry Road, Cainhoy, TMS #271-00-02-053, (24.98 acres) **from PDMU, Planned District Mixed Use, to R-1, Single Family Residential.** Council District 8.

[Recommended by Committee on Land Use]

4. **Bill No. 03-82**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Miles Martschink**, 122 Sawgrass Avenue, Goose Creek, TMS #235-01-01-001, (20 acres) **from HI, Heavy Industrial District, to LI, Light Industrial District.** Council District 3.

[Recommended by Committee on Land Use]

RESOLUTIONS:

1. **RESOLUTION** providing for the Transfer of Funds in the 2003-2004 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. **RESOLUTION** approving rates and **per diem** for travel expense reimbursement.

[Recommended by Committee on Finance]

3. **RESOLUTION** approving and authorizing the execution and delivery of an inducement and millage rate agreement by and between Berkeley County, South Carolina (the "County"), and **Project 19, LLC** (the "Company"), whereby, under certain conditions, the county will agree to provide certain economic development incentives as set forth therein.

[Recommended by Committee on Finance]

4. **RESOLUTION** providing for the transfer of funds appropriated in the 2003-2004 budget for the **Pimlico Special Tax District** for purposes other than as specified in said budget.

[Recommended by Committee on Finance]

5. **RESOLUTION** supporting Berkeley Citizens' application for funds under the Federal Transit Administration and the State Mass Transit Fund program.

[Recommended by Committee on Human Services]

6. **RESOLUTION** to authorize the County Supervisor to renew the Lease for the premises currently known as the **Hanahan Library**.

[Recommended by Committee on Community Services]

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Councilmember, Mr. Dennis L. Fish, Chairman.
 - a. Auditor's Dept.: Additional funds for student intern.
 - b. Acceptance of two grants for Homeland Security.
2. **Committee on Land Use.**
Councilmember, Mr. Milton Farley, Chairman.
3. **Committee on Public Works and Purchasing.**
4. **Councilmember, Caldwell Pinckney, Jr., Chairman.**
Bids and Recommendations:
 - a. One Motor Grader
 - b. One Mobile Command Vehicle.
 - c. Sole Source purchase of 2 HAZCAT WMD Kits
5. **Committee on Justice and Public Safety.**
Councilmember, Mrs. Judy C. Mims, Chairman

6. **Committee on Water and Sanitation.**
Councilmember, Mr. Steve C. Davis, Chairman
7. **Committee on Planning and Development.**
Councilmember, Mr. Charles E. Davis, Chairman
8. **Committee on Community Services.**
Councilmember, Mrs. Judith K. Spooner, Chairman
 - a. Pimlico STD lease agreement with Pimlico Civic Club
9. **Committee on Human Services.**
Councilmember, Mr. William E. Crosby, Chairman

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
BCD COUNCIL OF GOVERNMENTS
BERKELEY COUNTY LIBRARY BOARD
BERKELEY-CHARLESTON-DORCHESTER - RTMA
BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT ADVISORY COMM.
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
MENTAL HEALTH BOARD
PIMLICO SPECIAL TAX DISTRICT
SANTEE COOPER COUNTIES PROMOTION COMMISSION
SPIERS LANDING COMMISSION
TAX ASSESSMENT REVIEW BOARD
TRIDENT WORKFORCE INVESTMENT BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

Resolution clarifying Resolution R 03-33: "A Resolution affecting the payment of certain capacity reservation fees to the Berkeley County Water and Sanitation Authority."

NEW BUSINESS

ANNOUNCEMENTS

The **JANUARY 2004**, Regular Meeting of Berkeley County Council will be held on **MONDAY JANUARY 12, 2004**, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND THE MEETING OF THE COMMITTEE ON FINANCE AT **6:00 PM**, in **THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

December 10, 2003
S/Barbara B. Austin
Clerk of County Council